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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES H. FISCHER, :
 :
 Plaintiff, : 14 Civ. 1304 (PAE) (HBP)
 :
 -against- :
 :
 SANDRA E. FORREST, et al., :
 :
 Defendants. :
 :
 -----X

JAMES H. FISCHER, :
 :
 Plaintiff, : 14 Civ. 1307 (PAE) (HBP)
 :
 -against- :
 :
 STEPHEN T. FORREST, JR., et al., : ORDER
 :
 Defendants. :
 :
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PITMAN, United States Magistrate Judge:

A conference having been held in this matter on April 17, 2015 during which several discovery disputes were discussed, for the reasons stated in open court, it is hereby ORDERED that:

1. No later than May 4, 2015 defendants are to produce the applicable insurance policy or policies that were in force during the events in issue in this action.

2. The parties may serve discovery requests in either hard copy or electronic form. To eliminate any confusion, the parties should clearly label their documents requests as "Rule 34 Document Request." The document requests must describe the documents sought with reasonable particularity. As I noted that the conference, in the absence of an agreement between the parties or an Order from the Court, a party has 30 days to respond to a document request.

3. In the absence of a request from plaintiff, defendants have no obligation to produce documents concerning the sale of Brushy Mountain. I express no opinion at this time as to whether these documents are discoverable.

4. No later than May 4, 2015, defendants shall provide contact information for the witnesses identified in defendants' Rule 26(a)(1) disclosures who are not represented by defendants' counsel.

5. In their correspondence going forward, neither plaintiff nor counsel for defendants are to engage in any ad hominem attacks. No comments are to be made about an adversary's mental state, educational background, good faith or bad faith.

6. No later than May 4, 2015, Gebauer to make his Rule 26(a)(1) disclosures.

7. Before bringing any discovery disputes to my attention in the future, the parties are to have a meet and confer and attempt to resolve the dispute without my intervention. In order to comply with this requirement, the parties must have a viva voce conversation, either in person or by telephone; an exchange of correspondence or email does not satisfy the meet and confer requirement. In the absence of illness or a personal emergency, plaintiff and defense counsel shall respond to a request for a meet and confer no later than 5:00 p.m. of the business day following the request.

Dated: New York, New York
April 24, 2015

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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